

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

v.

JOSE DIAZ-FONTANEZ

)
)
) CRIMINAL NO.

) 97-071(PG)

)
) September 18, 2008
)

**MOTION FOR ADMISSION *PRO HAC VICE*, WAIVER OF ADMISSION FEE, AND
APPOINTMENT PURSUANT TO THE CRIMINAL JUSTICE ACT**

By this motion, the undersigned counsel seeks admission to the District Court for the District of Puerto Rico, *pro hac vice*, and to be appointed as Defendant Jose Diaz-Fontanez's counsel under the Criminal Justice Act. In support of this motion, counsel represents the following.

1. I am a partner with a small firm, NEVINS & NEVINS, LLP, which is located at 102 Connecticut Boulevard, East Hartford, Connecticut. My firm's mailing address and contact information is:

102 Connecticut Boulevard
East Hartford, CT 06108
Tel: 860-289-4455
Fax: 860-289-8968

My email address is cwillson@nevinslaw.com and I have my PACER notifications sent to me there and at charles_f_willson@yahoo.com.

2. I am a member of the bars in Connecticut and Massachusetts, since 2002 and 1997, respectively, and an inactive member of the bar of New Hampshire, since 1999. I also am a member of the bars for the Districts of Connecticut and Massachusetts, and for the Courts of Appeals for the First and Second Circuits.

3. I have never been denied admission in any jurisdiction nor am I suspended from practice in any jurisdiction. Likewise, I have never been subjected to any disciplinary proceedings in any jurisdiction. There is no complaint of misconduct, disciplinary proceeding, or criminal charges pending against me in any court or jurisdiction.

4. Previously, in *United States v. Guillermo Martinez-Martinez*, No. 04-0054 (SEC), I was admitted *pro hac vice* to represent the defendant for his resentencing after remand by the Court of Appeals for the First Circuit, which had appointed me to represent him on appeal. The District Court appointed me pursuant to the Criminal Justice Act and waived the *pro hac vice* admission fee.

5. I have fully reviewed and am familiar with the Rules governing practice before this Court.

6. I am a member of the Criminal Justice Act Panels for the U.S. District Court for the District of Connecticut and the Court of Appeals for the Second Circuit. I previously was a member of the CJA Panel for the Court of Appeals for the First Circuit.

7. In connection with my membership on the Panel for the Court of Appeals for the First Circuit, I was appointed to represent Defendant in his appeal. See *United States v. Diaz-Fontanez*, No. 06-2061.

8. By order, dated August 8, 2008, the Court of Appeals remanded this matter for further proceedings. In the order, the Court stated:

[T]his case is *remanded* to the district court for the limited purposes of: (1) determining the amount of time defendant had served on his related local firearms sentence before being taken into federal custody and how much of that time has not been credited to defendant by the Bureau of Prisons; (2) deducting any previously uncredited time from his 324-month advisory guidelines sentence; (3) considering and explaining whether the resulting sentence is “sufficient but not greater than necessary” to comply with the purposes of sentencing set forth in 18 U.S.C. § 3553(a); and (4) if not,

imposing a new sentence and explaining its reasons for doing so. In all other respects, the district court's judgment is *affirmed*. On remand, defendant may also file a motion to further reduce his sentence under 28 U.S.C. § 3582(c) and USSG § 1B1.10 as recently amended. *Matos*, 2008 WL 2687385, at *2. We express no view on the appropriate disposition of any such motion.

9. I seek admission *pro hac vice* and appointment pursuant to the Criminal Justice Act so that I can represent Defendant in these proceedings. Defendant has requested that I represent him in these proceedings.

10. Because Defendant, who remains incarcerated, is indigent, I respectfully request that the Court waive the *pro hac vice* admission fee.

11. To the extent the Court deems it necessary for the undersigned counsel to have local counsel, I request that the Court have a member of the local CJA Panel or the Federal Public Defender's Office appointed to serve that role. While the Federal Public Defender's Office previously represented Defendant, that representation was terminated after the Office withdrew after learning that it previously represented a material witness in this case. A more limited role as local counsel should not present a significant conflict, as I will use the Office primarily to secure a local interpreter if needed for a hearing and advice concerning the Court's procedures for that hearing.

WHEREFORE, Defendant respectfully requests an order that (1) the undersigned be admitted *pro hac vice*; (2) the admission fee is waived due to the Defendant's indigent status; (3) the undersigned counsel is appointed to represent Defendant in this proceeding pursuant to the Criminal Justice Act; and (4) should the Court deem it necessary, appointing a local CJA Panel member or member of the Federal Public Defender's Office to serve as local counsel.

By /s/Charles F. Willson/s/
Charles F. Willson, Esq.
(First Circuit Bar #91536)

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CERTIFICATIONS

The undersigned counsel certifies that the foregoing has been mailed, postage prepaid,
this Thursday, September 18, 2008 to the following counsel of record:

COUNSEL TO THE UNITED STATES

Jose A. Contreras

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/s/Charles F. Willson/s/
Charles F. Willson